

JOSEPH P. RUSSONIELLO (CSBN 44332)  
United States Attorney

BRIAN J. STRETCH (CSBN 163973)  
Chief, Criminal Division

TRACIE L. BROWN (CSBN 184339)  
LARA M. KROOP (CSBN 239512)  
Special Assistant United States Attorney

450 Golden Gate Avenue, Box 36055  
San Francisco, CA 94102  
Telephone: (415) 436-7200  
Facsimile: (415) 436-7234  
E-mail: [Tracie.Brown@usdoj.gov](mailto:Tracie.Brown@usdoj.gov)  
[Lara.Kroop2@usdoj.gov](mailto:Lara.Kroop2@usdoj.gov)

Attorneys for Plaintiff

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA, )  
 )  
Plaintiff, )  
 )  
v. )  
 )  
CELSO MARTEARENA-ARRIOLA, )  
 )  
Defendant. )

No. CR 08-0272 SI

**GOVERNMENT'S PROPOSED VOIR DIRE**

Trial Date: June 30, 2008  
Pretrial Conf.: June 24, 2008

Pursuant to this Court's Pretrial Order, the government here submits its list of proposed voir dire questions.

1. Do you know the Defendant?
2. Do you know any members of the prosecution or defense team?
3. Do you know any of the following witnesses [read witness list]?
4. This case was investigated by the U.S. Bureau of Immigration and Customs Enforcement, also known as ICE, and formerly part of the Immigration and Naturalization Service (INS).  
Do any of you think it would be difficult for you to be fair to the government because of the

GOVT'S PROP. VOIR DIRE  
CR 08-0272 SI

involvement this agency?

5. Has anyone here had any experience, positive or negative, with ICE or the INS? What?
6. Do you have any strong feelings about the federal government, positive or negative, that would affect your ability to sit as an impartial juror on this case?
7. Have you, or anyone close to you, ever been involved in a criminal investigation in any of the following circumstances:
  - a. As a witness?
  - b. As a victim of a crime?
  - c. Charged with a crime?
  - d. Convicted of a crime?
  - e. Is there anything about that experience that would prevent you from returning a verdict of guilty even if the government had proved its case beyond a reasonable doubt?
8. The Defendant in this case is charged with the crime of being an alien found in the United States after having been deported. Is there anyone here who feels they could not return a verdict of guilty because of the nature of the charges involved?
9. Does anyone have strong views about U.S. immigration laws or immigration enforcement? What are they?
10. Does anyone believe that the government should not criminally prosecute people who re-enter the United States after having been deported?
11. At the conclusion of this case, the Court will instruct you about the law regarding the case. In deciding guilt or innocence, you must apply the law that the judge gives you whether or not you agree with it. Is there anyone here who will not be able to do that?
12. Is there anyone here who feels that, even if the evidence proved the Defendant's guilt beyond a reasonable doubt, they would not return a verdict of guilty?
13. Do any of you belong to any group or organization which advocates the reform or repeal of any criminal law?
14. Do any of you have any moral, religious, or philosophical beliefs that would prevent you from returning a guilty verdict against another person?

1 15. Do any of think that if the Court instructed you to disregard certain testimony or evidence,  
2 that you could not do so?

3 16. Is anyone here employed in the field of law enforcement? Has anyone here previously been  
4 employed in the field of law enforcement?

5 a. In what capacity?

6 b. Is there anything about that employment that would prevent you from being fair to the  
7 government or the Defendant?

8 17. Does anyone here have a close friend or family member who is in law enforcement?

9 a. Is there anything about that relationship that would prevent you from being fair to the  
10 government or the Defendant?

11 18. Has anyone here ever served on a jury previously?

12 a. Civil or criminal?

13 b. Did the jury reach a verdict?

14 c. Is there anything about that experience that makes you feel you could not be a fair and  
15 impartial juror to both sides?

16 19. Law enforcement officers, including agents with the Bureau of Immigration and Customs  
17 Enforcement (ICE), will be testifying in this case. Would the fact that these persons are law  
18 enforcement officers lead you to give their testimony more credence or less credence than  
19 you would give the testimony of an ordinary citizen?

20 20. Will you be able to perform your duty as a juror without regard to the possible punishment of  
21 the Defendant?

22 21. Do you understand that the United States, as well as the Defendant, has the right to a fair  
23 trial?

24 ///

25 ///

26 ///

27 ///

28 ///

1 22. Is there any reason you can think of why you would not be fair to both the government and  
2 the defense?

3 DATED: June 19, 2008

Respectfully submitted,

4 JOSEPH P. RUSSONIELLO  
5 United States Attorney

6 \_\_\_\_\_/s/  
7 TRACIE L. BROWN  
8 Assistant United States Attorney  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28